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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,731	03/22/2005	Mirko Appel	2002P15759WOUS	8587

7590 01/12/2007
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

LABBEES, EDNY

ART UNIT	PAPER NUMBER
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2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/528,731

Applicant(s)

APPEL ET AL.

Examiner

Edny Labbees

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status Of Claims

1. In the response filed 12/01/2006, applicant's remarks have read and are fully considered. Claims 12-22 remain in the application. No new claims have been added. Therefore claims 12-22 are currently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12, 13, 16-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over MANN et al. (WO 99/06974).

Regarding Claim 12, MANN discloses *System And Method For Robbery*

Prevention that teaches a an access control system (100) comprising a biometric sensor (104) for capturing biometric data reflecting stable physical characteristic of a person (See page 3 lines 19-24, page 4 lines 1-3) and an affective sensor (106) the measures vital signs of a person, such as an optical response (See page 3 lines 23-24, page 4 lines 1-2). The biometric sensor (104) captures real time data corresponding to a stable physical characteristic of a person (see page 6 lines 1-4). The affective sensor

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(106) is capable of detecting any of a variety of physiological characteristics of the person that will inherently change when the person is subjected to sudden fear and stress (See page 4 lines 7-10). The system of MANN does not specifically state to diagnose the operation condition of a component of a technical installation. Rather, MANN discloses a system where by detecting physiological reactions of a person and preventing a person under coercion from accessing a secured location or facility, such a *vault, cash drawer*. MANN also discloses an Access control circuit that allows access to the secured area, *object*, or transaction, based on a determination of whether the individual present at the station and their vital signs conform to expected values. One of ordinary skill in the art would readily recognize that a vault, cash drawer or a similar objects are part of an installation such a bank or any similar establishments. In addition, one of ordinary skill in the art would also recognize that if the system recognizes that a person is under coercion from accessing a secured location or facility, an object, vault or drawer potentially being compromised. This is suggested by the Access control circuit (112), which allows access to the secured area, object, or transaction.

Regarding Claim 13, MANN discloses all of the claimed limitations. MANN discloses a system where the biometric sensor (104) and the affective sensor (106) measure the vital signs of a person, such pulse rate, blood pressure, blood volume pulse, respiration rate or optical response. The affective may also incorporate a galvanic skin response sensor, or an electromyogram sensor (see page 3 lines 19-24 and page 4 lines 1-3).

Regarding Claim 16, MANN discloses all of the claimed limitations. MANN discloses a system comprising an electronic storage site (102) where data corresponding to the biometric sensor (104) and affective sensor (106) is stored (see page 3 lines 8-18 and page 4 lines 4-7).

Regarding Claim 17, MANN discloses a system comprising a encoder (108) connected to a biometric sensor (104), effective sensor (106) and a comparator (110). Comparator (110) determines a degree of correspondence between the captured real time body response detected by the effective sensor (106) and the stored physiological responses in electronic storage (102) (see page 4 lines 12-25). If the physiological measurement fails to achieve predetermined degree of correspondence with stored data for that person, access is denied. If physiological response measurement does meet a predetermined degree of correspondence with stored data for that person, access to a controlled, space or area is granted (see page 6 lines 1-24).

Regarding Claim 18, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 19, the claim is interpreted and rejected as claim 13 stated above.

Regarding Claim 21, the claim is interpreted and rejected as claim 16 stated above.

Regarding Claim 22, the claim is interpreted and rejected as claim 17 stated above.

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4. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over MANN et al. in view of Galiana et al. (US 6,091,334).

Regarding Claim 14, MANN discloses a Robbery deterrent system (100) comprising a biometric sensor (104) and an affective sensor (106) to determine body vital measurements, such optical response (see page 3 lines 19-24 and page 4 lines 1-2). MANN does not specifically disclose changes in human's direction of sight. However, Galianna discloses *Drowsiness/Alertness Monitor* that teaches a system for monitoring motion of one or both eyes of a subject, deriving at least one physiological indicator, where the physiological indicator is selected from the group of gaze stability, saccade speed, saccade frequency, blink duration (see Col. 1 Ins 25-42 and Col. 2 Ins 16-48). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Galianna into the system of MANN as an alternative or supplement to indicate a physiological reaction/reaction/condition based on motion of the eye or eyes.

Regarding Claim 20, the claim is interpreted and rejected as claim 14 stated above.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over MANN et al. in view of Andersen et al. (US 5,745,034).

Regarding Claim 15, MANN discloses a system to measure the physiological reaction of an individual, but does not disclose a system where the human is equipped with a sensor device to acquire the human's physiological reaction. Andersen discloses

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Providing An Alarm In Response To A Determination That A Person May Have Suddenly Experienced Fear that teaches a physiological-condition monitoring system (10) that includes probes for attachment to a person for use in measuring such conditions, such as pulse rate, skin conductivity and respiration (See Col. 4 Ins 13-37). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Andersen into the system of MANN to provide a physiological condition monitoring system (10) as an alternative to the to measure the physiological reaction and also provides the advantage of concealment.

Response to Arguments

6. In the remarks filed 12/1/2006, applicant presents the following arguments:

1) With regards to claims 12-22, applicant argues that the system of MANN is in the context of a robbery deterrent system and that the system of MANN does not relate to a condition of a technical installation.

7. RESPONSE

1) In response to arguments regarding claims 12-22, as indicated in the rejection to claim 1 stated above, Examiner has broadly interpreted the claim where the system does not specifically state to diagnose the operation condition of a component of a

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technical installation. Rather, Examiner has interpreted the system of MANN where by detecting physiological reactions of a person and preventing a person under coercion from accessing a secured location or facility, such a *vault, cash drawer*. MANN also discloses an Access control circuit that allows access to the secured area, *object*, or transaction, based on a determination of whether the individual present at the station and their vital signs conform to expected values. One of ordinary skill in the art would readily recognize that a vault, cash drawer or a similar objects are part of an installation such a bank or any similar establishments. In addition, one of ordinary skill in the art would also recognize that if the system recognizes that a person is under coercion from accessing a secured location or facility, an object, vault or drawer potentially being compromised. This is suggested by the Access control circuit (112), which allows access to the secured area, object, or transaction. Therefore arguments are not persuasive and the rejection to claims 12-22 stands.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blazey et al. *Management Of Physiological And...* (US 6,309,342)

Surve et al. *Management Of Physiological And...* (US 6,520,905)

Moore et al. *Physiomagnetometric Inspection And Surveillance System...*(US 2003/0133597)

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McBain, *Anti-Terrorist Aircraft Pilot Sensor System And Method*, (US 6,810,310)

Ball et al. *Bio-Alarm Security System*, (US 4,100,536)

Pavlidis, *Detection System And Method Using Thermal Image Analysis*, (US 6,996,256)

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees
1/2/2006


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